

HOUSE OF REPRESENTATIVES

Ready Infrastructure Council

**Representative Allan G. Bense, Chair
Representative Christopher L. Smith, Vice Chair**

2002 SUMMARY OF PASSED LEGISLATION



Information Technology Committee

**Representative Chris Hart IV, Chair
Representative Connie Mack, Vice Chair**

Natural Resources & Environmental Protection Committee

**Representative Lindsay M. Harrington, Chair
Representative Richard Machek, Vice Chair**

Transportation Committee

**Representative David Russell, Chair
Representative Andy Gardiner, Vice Chair**

Utilities & Telecommunications Committee

**Representative Jerry Maygarden, Chair
Representative Stacy Ritter, Vice Chair**

TABLE OF CONTENTS

Information Technology Committee	1
CS/SB 1844, 2nd ENG. – Economic Development	1
Natural Resources & Environmental Protection Committee	3
CS/SB 374, 1st ENG. – Citrus/Hernando Waterways/SWFWMD.....	3
CS/SB 508 – Environment/Detrital Material	3
CS/SB 678, 2nd ENG. – Pollution Reduction.....	4
HB 813, 2nd ENG. – Environmental Protection	5
CS/HB 851, 1st ENG. – Solid Waste Management.....	6
CS/HB 1085, 1st ENG. – Fish & Wildlife Conservation Commission.....	6
CS/HB 1243, 2nd ENG. – Fish & Wildlife Conservation Commission	7
CS/HB 1285, 2nd ENG. – Environmental Protection.....	8
Transportation Committee.....	9
CS/SB 100, 1st ENG. – Transportation Disadvantaged	9
HB 145, 1st ENG. – Florida Golf License Plate.....	9
HB 183 – Motor Vehicles/Pre-delivery Services.....	10
CS/HB 261, 3rd ENG. – Transportation	10
CS/SB 306, 1st ENG. – Driver's Licenses & ID Cards	15
HB 325, 1st ENG. – Coral Gables/Miami/Le Jeune Road	15
HB 329 – Small Aircraft Transportation.....	15
SB 358, 1st ENG. – Motor Vehicle Accidents/Distractions	16
CS/SB 366, 1st ENG. – Traffic Control/Move Over Act.....	16
HB 441 – License Plate/Breast Cancer Research	17
CS/SB 520, 2nd ENG. – Driver's Licenses/ID Cards	17
CS/CS/SB 522, 3rd ENG. – Highway Safety & Motor Vehicles.....	18
HB 561 (Chapter Law 2002-6) – Parking Permits/Disabled Persons	19
CS/CS/SB 568 – Motor Vehicle License Plates	20
CS/HB 715, 1st ENG. – Transportation	20
HB 945 – Jacksonville Seaport Authority	21
CS/CS/SB 1136, 2nd ENG. – License Plates/Protect Whales	21
CS/SB 1178 – Disabled Persons/Parking Permits	21
HB 1181 – Safe Paths to School	22
Utilities & Telecommunications Committee.....	23
CS/HB 1475 – Underground Facility Damage.....	23
CS/HB 1511, 1st ENG. – Communications Services Tax.....	23
HB 1601, 1st ENG – Air Quality Costs/Electric Utilities.....	24
CS/HB 1683, 1st ENG. – Switched Network Access Rates	25

Information Technology Committee

CS/SB 1844, 2nd ENG. – Economic Development

By Commerce and Economic Opportunities; King & others

Linked Bills: None

Tied Bills: Compare HB 271; CS/HB 635, 1st ENG.; HB 1435; HB 1445; CS/HB 1937, 1st ENG.; SB 86, 1st ENG.; CS/SB 88; CS/SB 1186, 1st ENG.; CS/SB 1392; SB 1540, 1st ENG.; SB 1560, 1st ENG.; CS/CS/SB 1564, 1st ENG.; CS/CS/SB 1586, 1st ENG.; CS/SB 1590, 1st ENG.; CS/SB 1688, CS/SB 2022, 1st ENG., CS/SB 2172, 1st ENG.; CS/SB 2488, 1st ENG.

Committee(s)/Council(s) of Reference: Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; Rules and Calendar

The bill creates the Florida Technology Development Act (Act). The Act authorizes the establishment of Centers of Excellence at or in conjunction with universities in Florida. Through collaborative public/private partnerships, the Centers of Excellence will house world-class faculty, will promote advanced high technology research in the state, and will facilitate the transfer of advanced and innovative technologies to commercial sectors. The Act creates a 13-member Emerging Technology Commission within the Executive Office of the Governor to plan and guide the establishment of one or more Centers of Excellence approved and administered by the State Board of Education.

The bill creates a separate account in the Trust Fund for Major Gifts to receive funds designated to match tax credits a certified business earns under s. 212.08(5)(j), F.S.

The bill authorizes state universities, community colleges, and governmental agencies to use research and development parks financed under the Florida Industrial Development Financing Act to pursue research projects consistent with the purposes and principles expressed in ss. 159.701-159.7095, F.S.

Section 445.045, F. S., is amended to transfer from the Department of Labor and Employment Security to Workforce Florida, Inc. (WFI), the responsibility to establish and maintain a website that promotes and markets the information technology industry in Florida in accord with the marketing campaign developed by Enterprise Florida, Inc. WFI is required to solicit input from ITFlorida.com, Inc., related to development, establishment and maintenance of the website, and the Agency for Workforce Innovation is to provide the services WFI needs to carry out its responsibilities related to developing, establishing and maintaining the website.

The bill creates the Learning Gateway Program to provide parents of children from birth to age 9 with access to information, referral, and services to lessen the effects of learning disabilities suffered by such children. The implementation of the Program is to be administered by an 18-member Steering Committee in the Department of Education.

The bill creates the Tourism Industry Recovery Act of 2002 authorizing county governing boards to impose a 1-cent tax to promote and advertise tourism in Florida, nationally, and internationally.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Natural Resources & Environmental Protection Committee

CS/SB 374, 1st ENG. – Citrus/Hernando Waterways/SFWMD

By Governmental Oversight and Productivity; Brown-Waite

Linked Bills: None

Tied Bills: Similar CS/HB 93

Committee(s)/Council(s) of Reference: Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations

The bill creates the Citrus/Hernando Waterways Restoration Council (Council). Members of the Council are appointed by and serve in an advisory capacity to the governing board of the Southwest Florida Water Management District. Council members from Citrus and Hernando counties will form a task force to address waterways issues within their counties. Responsibilities of the Council include reviewing audits, lake restoration, and sport fish recovery data that apply to Citrus/Hernando waterways, evaluating the need for additional studies, exploring funding sources for restoration activities, and annually reporting to the Legislature. The bill also creates an advisory group to the Council. Members of the advisory group, except those from the Withlacoochee River Basin Board and the Coastal Rivers Basin Board, are required to have training in biology or another scientific discipline.

This bill authorizes development of the Citrus/Hernando Waterways restoration program and, contingent upon available funding, directs the appropriate agencies to award contracts through a competitive bidding process to implement the restoration program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 508 – Environment/Detrital Material

By Natural Resources; Brown-Waite

Linked Bills: None

Tied Bills: Similar CS/CS/HB 101; Compare CS/HB 1285, 2nd ENG.; CS/SB 510

Committee(s)/Council(s) of Reference: Natural Resources; Comprehensive Planning, Local and Military Affairs

The bill amends s. 403.813, F.S., to create two new exemptions from permitting requirements of the Department of Environmental Protection. The first exemption is for the removal of organic detrital material, commonly referred to as "muck," from certain freshwater rivers or lakes. Removal of this material is subject to a series of conditions that include: a prohibition from any activities in wetlands; a limitation on the size of the area to be impacted; requirements for disposal; conditions for replanting native vegetation; and procedures for notifying the department. The other permitting exemption created by the bill is for the installation of floating vessel platforms or floating boat lifts for existing dock permits. The installation of these platforms or lifts are exempt provided they only be used to support a vessel, do not exceed certain square footage limitations, are not used for commercial purposes, and have minimal impact to submerged lands and associated biological communities. If these platforms or lifts are exempt under these provisions, they also are exempt from local permitting requirements.

Finally, the bill directs the department to study the effects of the muck removal exemption on impacted water bodies. The study is to be completed by November 1, 2004, and submitted to the Governor and the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 678, 2nd ENG. – Pollution Reduction

By Natural Resources; Pruitt

Linked Bills: None

Tied Bills: Compare CS/CS/HB 879; CS/HB 1285, 2nd ENG.; CS/HB 1299, 1st ENG.; CS/HB 1681, 2nd ENG.; CS/SB 510; CS/CS/SB 2072, 1st ENG.; CS/SB 2122, 1st ENG.

Committee(s)/Council(s) of Reference: Natural Resources; Appropriations

Subcommittee on General Government; Appropriations

The bill amends s. 373.4595, F.S., relating to the Lake Okeechobee Protection Program, to provide that projects reducing nutrient output on private property, or lands held in trust for the Indian tribes, are eligible to receive grants from the agencies that coordinate the Protection Program. Any persons or tribal entity may submit grant applications. Eligible projects include the purchase of conservation and flowage easements, the creation of treatment wetlands, and the hydrologic restoration of wetlands. The bill provides that when projects are of equal importance, priority must be given to public-private partnership projects, or projects with federal matching money. The bill further provides that entities disposing of septage by land application within the Lake Okeechobee watershed must develop a plan to limit applications to reduce phosphorus concentrations. **(These provisions are superseded by provisions of CS/SB 1906, 1st ENG., relating to Growth Management, as summarized by the Council for Smarter Government.)**

The bill amends s. 403.067, F.S., to allow voluntary best management practices to reduce agricultural pollution in water bodies where total maximum daily loads have not yet been developed. Revisions to s. 403.121, F.S., provide that professional engineers who have prepared or signed a dredge-and-fill permit application, or a mangrove trimming permit application, are not agents of the owner or tenant when the Department of Environmental Protection is assessing administrative penalties for violations of those permits. Finally, s. 403.08725, F.S., is amended to extend the time by which the United States Environmental Protection Agency may approve the state's implementation plan for controlling air emissions from citrus processing facilities.

Subject to the Governor's veto powers, the effective date of this bill is effective upon becoming a law.

HB 813, 2nd ENG. – Environmental Protection

By Dockery & others

Linked Bills: None

Tied Bills: Similar CS/SB 684; SB 930; Compare SB 2528; CS/HB 819; CS/SB 270

Committee(s)/Council(s) of Reference: Natural Resources & Environmental Protection; General Government Appropriations; Council for Ready Infrastructure

The bill contains provisions dealing with Everglades restoration funding and permit challenges under chapters 373 and 403, F.S.

Everglades restoration provisions:

- Authorize the Department of Environmental Protection to issue bonds in amounts up to \$100 million annually for the purpose of funding the state's portion of the Comprehensive Everglades Restoration Plan.
- Limit the annual transfer of \$25 million in Florida Forever funds, allocated to the South Florida Water Management District, to the Save Our Everglades Trust Fund. The annual transfer only applies to fiscal years 2000-2001 and 2001-2002.
- Allow the South Florida Water Management District to surplus lands not needed for the restoration and direct that such revenues be used to reimburse the Save Our Everglades Trust Fund.
- Provide that certain components of the restoration plan are exempt from permitting requirements.
- Provide a series of legislative findings concerning the importance of the Everglades and the state's commitment to restoring this ecosystem.

Permit challenge provisions:

- Prohibit unaffected citizens from initiating administrative hearings.
- Eliminate the ability for duplicative appeals by directing permit challengers to choose between an administrative hearing and a proceeding before the Governor and Cabinet.
- Clarify who are affected parties based on their use and enjoyment of impacted natural resources.
- Provide automatic standing to Florida non-profit environmental corporations with 25 members in the county where the permit will be issued.
- Allow the Governor and Cabinet to remand, for an administrative hearing, requests filed with them if it is determined that additional fact-finding is needed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002, unless otherwise provided.

**CS/HB 851, 1st ENG. – Solid Waste Management
By Council for Ready Infrastructure; Dockery**

Linked Bills: None

Tied Bills: Similar CS/CS/CS/SB 710; Compare CS/SB 1038

Committee(s)/Council(s) of Reference: Natural Resources & Environmental Protection; General Government Appropriations; Council for Ready Infrastructure

The bill deals with a series of issues related to the funding and implementation of the state's solid waste management program. Specific provisions:

- Transfer certain sales tax proceeds, beginning in fiscal year 2003-2004, to the Ecosystem Management and Restoration Trust Fund for implementation of a water quality improvement and water restoration grant program.
- Revise laws pertaining to the creation and use of the Solid Waste Management Trust Fund.
- Remove a series of local government mandates relating to administration and reporting requirements that are part of existing solid waste law.
- Provide additional flexibility for counties in determining their recycling rate.
- Revise an existing grant program governing eligibility for and distribution of funds under the solid waste management program.
- Create a water quality improvement and water restoration grant program.
- Repeal a series of outdated provisions concerning, disposal of certain food by-products, the creation of an applications demonstration center for solid waste, fund transfers, and the waste tire grant program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002, unless otherwise provided.

**CS/HB 1085, 1st ENG. – Fish & Wildlife Conservation Commission
By Council for Ready Infrastructure; Baxley & others**

Linked Bills: None

Tied Bills: Similar CS/CS/SB 354, 1st. ENG.; Compare CS/SB 680

Committee(s)/Council(s) of Reference: Natural Resources & Environmental Protection; Council for Ready Infrastructure

The bill transfers certain provisions relating to recreational saltwater fishing licenses from chapter 370 to chapter 372, F.S., thereby consolidating requirements for hunting, freshwater fishing, and saltwater fishing licenses and permits into one statutory chapter. The bill creates s. 372.002, F.S., to establish legislative intent that Florida's citizens have a right to hunt, fish, and take game subject to regulations and restrictions prescribed by general law and contained in the State Constitution. Revisions to the administrative fees charged by tax collectors when selling hunting and fishing licenses take effect on July 1, 2003, to assist the Fish & Wildlife Conservation Commission in establishing a statewide, automated license system. The bill provides for technical cross-reference corrections, repeals outdated provisions of Florida Statutes, and amends s. 372.27, F.S., to authorize fishing in the Rainbow River except within the portion of Rainbow Springs State Park that lies within 1700 feet of the head of Rainbow Springs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002, except as otherwise provided.

**CS/HB 1243, 2nd ENG. – Fish & Wildlife Conservation Commission
By Council for Ready Infrastructure; Pickens**

Linked Bills: None

Tied Bills: Compare CS/HB 1473, 1st ENG.; CS/CS/SB 1614; CS/CS/SB 556

Committee(s)/Council(s) of Reference: Natural Resources & Environmental Protection; Council for Ready Infrastructure

The bill amends provisions of chapters 370 and 372, F.S., to revise existing penalties and to create new penalties for saltwater fisheries violations, to create additional restrictions on persons whose saltwater product licenses have been suspended or revoked, and to provide penalties for the purchase or sale of illegally harvested marine life. Felony penalties are created for the molestation of or theft from freshwater gear. The bill revises and clarifies requirements and procedures for confiscation and forfeiture of property used in the illegal taking, sale, or purchase of saltwater products, as well as the illegal taking or possession of deer and wild turkey. Notice requirements to the registered owner of property subject to forfeiture due to violations are provided.

The bill amends subsection (2) of s. 370.12, F.S., known as the Florida Manatee Sanctuary Act, to provide additional public access in the development of rules relating to the protection of manatees. The bill provides that counties must create a local rule review committee, or use an existing advisory committee, made up of an equal balance of environmental, manatee, and waterway interests to review manatee protection rules being developed by the Fish & Wildlife Conservation Commission (Commission). Majority and minority reports are to be submitted to the Commission for consideration before rulemaking authorization. The provisions of the bill do not affect existing manatee protection rules unless the Commission proposes to make revisions or amendments to those rules. Exemptions also are provided for the rules under development due to the settlement of the state and federal lawsuits filed by the Save the Manatee Club against the United States Fish & Wildlife Service, and the State of Florida for failure to provide adequate manatee protection.

The bill further requires that the Commission work in conjunction with the United States Fish & Wildlife Service to establish a measurable biological goal to define manatee recovery, but also provides that the state's commitment for manatee protection will continue even if the species is downlisted from its current "endangered" status. Certain counties are required to adopt manatee protection plans under a time certain, and the Commission is authorized to conduct motorboat speed compliance studies that will lead to higher levels of protection for manatees and boaters.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

**CS/HB 1285, 2nd ENG. – Environmental Protection
By Council for Ready Infrastructure; Clarke & others**

Linked Bills: None

Tied Bills: Similar CS/SB 510; Compare CS/CS/HB 101; CS/HB 1299, 1st ENG.; CS/SB 508; CS/SB 678, 2nd ENG.; CS/SB 2122, 1st ENG.

Committee(s)/Council(s) of Reference: Natural Resources & Environmental Protection; General Government Appropriations; Council for Ready Infrastructure

The bill amends subsection (2) of s. 403.813, F.S. to create additional exemptions from permitting for certain projects with minimal adverse environmental impacts. The exemptions are:

- The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts of limited size that are not used for commercial purposes, if certain location and construction requirements are met, and
- County road and bridge repairs within the Northwest Florida Water Management District if certain conditions are met.

Subsection (2) of s. 403.813, F.S., further authorizes the Department of Environmental Protection to adopt by rule a general permit for floating vessel platforms or floating boatlifts that do not qualify for the exemption and do not cause significant adverse impacts. The Department of Environmental Protection is required to submit a report to the Governor and the Legislature by March 1, 2004, evaluating the effects of the road and bridge repair permit exemption, including recommendations for the exemption to be expanded statewide. Finally, existing exemption for maintenance dredging is clarified to allow for the discharge of return water from spoiled material.

Additionally, the bill amends s. 373.406, F.S., authorizing the water management districts and Department of Environmental Protection to adopt rules to exempt from regulation certain mining or mining-related activities. Section 373.414, F.S., is amended to extend the deadline from January 31, 2002, to July 31, 2002, for the Department of Environmental Protection to adopt a uniform mitigation assessment method rule.

Finally, the bill amends s. 403.08725, F.S., to extend the time by which the United States Environmental Protection Agency may approve the state's implementation plan for controlling air emissions from citrus processing facilities.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Transportation Committee

CS/SB 100, 1st ENG. – Transportation Disadvantaged

By Appropriations, Mitchell & others

Linked Bills: None

Tied Bills: Similar HB 141

Committee(s)/Council(s) of Reference: Finance and Taxation; Appropriations
Subcommittee on General Government; Appropriations

The bill amends s. 343.64, F.S., to specify that, notwithstanding any other provision to the contrary, the Central Florida Regional Transportation Authority may not act as the community transportation coordinator for the transportation disadvantaged program pursuant to part I of chapter 427, and any past appointment of the authority shall be void effective July 1, 2002. The bill also specifies that funding for the Transportation Disadvantaged Program shall be as provided annually in the General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 145, 1st ENG. – Florida Golf License Plate

By Wishner & others

Linked Bills: None

Tied Bills: Similar HB 25; CS/SB 624; Compare CS/HB 1213, 2nd ENG.

Committee(s)/Council(s) of Reference: Transportation; Fiscal Policy & Resources;
Council for Ready Infrastructure

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Florida Golf specialty license plate. In addition to the usual specialty license plate fees, a \$25 annual use fee will be charged. DHSMV will distribute proceeds from the plate to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. Proceeds are to be distributed in the form of grants to non-profit organizations for the operation of youth golf programs.

The bill establishes a seven-member advisory committee to advise the Florida Sports Foundation on distribution of the funds and grant awards. All organizations receiving grants must provide annual program and financial reports to the Florida Sports Foundation. The reports must also be made available to the public. In addition, the bill authorizes the Florida Sports Foundation to establish a Florida Youth Golf Program designed to assist other organizations in encouraging youth participation in golf.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 183 – Motor Vehicles/Pre-delivery Services

By Gardiner & others

Linked Bills: None

Tied Bills: Identical SB 344

Committee(s)/Council(s) of Reference: Transportation; Agriculture & Consumer Affairs; Council for Ready Infrastructure

Section 29 of chapter 2001-196, L.O.F., provides that certain motor vehicle dealer practices are actionable under the Florida Deceptive and Unfair Trade Practices Act. This provision codified the violations proscribed in a repealed Department of Legal Affairs administrative rule regarding motor vehicle sales.

This bill amends this section to eliminate a predelivery disclosure requirement and to conform Florida law to a prior administrative rule and established industry practices. Specifically, the bill deletes a requirement that motor vehicle dealers post a disclosure of pre-delivery service charges on a window sticker. Motor vehicle dealers will still be required to disclose all pre-delivery service charges to prospective purchasers before the consummation of the sale. This bill also repeals subsection (19) of section 29 of chapter 2001-196, L.O.F. (s. 501.196, F.S.), which makes it an unfair or deceptive act or practice for a dealer to fail to post the pre-delivery service charges on a window sticker.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law and shall apply retroactively to any motor vehicle sold on or after October 1, 2001.

CS/HB 261, 3rd ENG. – Transportation

By Transportation; Transportation & Economic Development Appropriations; Council for Ready Infrastructure; Russell & others

Linked Bills: None

Tied Bills: Similar CS/CS/CS/SB 502, 1st ENG.; Compare CS/HB 35, 2nd ENG.; HB 383; CS/HB 661; HB 675; CS/HB 757, 2nd ENG.; HB 977; CS/CS/HB 1213, 2nd ENG.; HB 1387; HB 1421; CS/HB 1515; CS/HB 1681, 2nd ENG.; SB 248; CS/SB 478; CS/CS/SB 522, 3rd ENG.; SB 542; CS/SB 676; SB 1034; CS/SB 1214; SB 1224; CS/CS/SB 1458; CS/SB 1532; CS/SB 1906, 2nd ENG.; CS/CS/SB 1992; SB 2142; SB 2174, and SB 2454, 1st ENG.

Committee(s)/Council(s) of Reference: Transportation; Transportation & Economic Development Appropriations; Council for Ready Infrastructure

The key provisions of the bill transform the Department of Transportation's (DOT) Turnpike District into the Florida Turnpike Enterprise, allowing its managers the flexibility to adopt private-sector business practices, and to operate more like an expressway authority. The new Turnpike Enterprise will be able to plan, build, maintain, and operate the Florida Turnpike System more independently from DOT, and at the DOT Secretary's discretion, be exempt from DOT rules. The legislation also amends the current definition for "economically feasible" as it relates to Turnpike projects, so that a project must generate sufficient net revenues to pay at least 50 percent of its debt service by the end of its 12th year in operation, and 100 percent of its debt service by the 22nd year in operation.

The bill also:

- Continues the High-Speed Rail Authority's mission to complete various studies associated with obtaining permits for a high-speed rail system, and granting of certain powers to the Authority, such as: selection of the bullet train's exact route, procurement of services, ability to pre-qualify contractors interested in the high-speed rail project, ability to issue a request for quotation (RFQ) and request for proposal (RFP) for interested contractors or vendors and eventually award a contract, ability to acquire lands and approve development associated with the system. The legislation clarifies that the Authority may only incur debt in accordance with levels authorized by the Legislature. These provisions were also the substance of CS/HB 1515.
- Raises from \$135 million to \$200 million the maximum amount of money that DOT may transfer from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund to pay debt service on bonds issued to buy right-of-way and build or repair bridges.
- Makes several technical changes to bring state laws on commercial motor vehicles in compliance with federal regulations.
- Corrects several glitches related to exemptions from the Competitive Consultant Negotiations Act, chapter 287, F.S. (part of CS/HB 757, 2nd ENG.)
- Makes changes to recently passed legislation on what types of DOT projects or project phases are eligible for design-build contracts.
- Clarifies the role of DOT's Motor Carrier Compliance Office and other law enforcement officers who stop commercial motor vehicles.
- Specifies that any contractor who is pre-qualified by DOT and eligible to bid on DOT projects to perform certain work also would be pre-qualified to bid on similar types of projects for any local government or expressway authority. (Part of CS/HB 757, 2nd ENG.)
- Provides that airports whose master plans are incorporated into local-government comprehensive plans would be exempt from Development of Regional Impact review for expansions or construction. (Part of CS/HB 757, 2nd ENG.)
- Creates a framework for Florida seaports to participate in a proposed federal revolving loan fund program. (Part of CS/HB 757, 2nd ENG.)
- Updates design-build contracting language created for DOT during Special Session 2001-B to better reflect the needs of DOT and road contractors.
- Allows State Infrastructure Bank funds to be used for intermodal projects. (Part of CS/HB 757, 2nd ENG.)
- Creates the "Dori Slosberg Act," allowing local governments to collect up to \$3 in additional civil penalties from traffic violators to help pay for traffic education classes in schools. (Part of CS/HB 757, 2nd ENG.)
- Creates basic regulations for the new Segway transportation vehicle, also called "Electric Personal Assistive Mobility Devices." (Part of CS/HB 757, 2nd ENG., and SB 2454)
- Specifies that motorized scooters, as defined, are not subject to regulation under chapter 316, F.S., (part of CS/HB 757, 2nd ENG.)
- Prohibits the transportation of motor fuel in illegal containers, and making the penalty a third-degree felony. Exempt from the new regulations are containers that hold 8 gallons or less. (Part of CS/HB 757, 2nd ENG.)
- Makes eligible for sovereign immunity protections the operators, dispatchers, security staff, and maintenance crews of the Tri-Rail system. (Part of CS/HB 757, 2nd ENG.)

- Attempts to give local governments more control over placement of bus benches and associated advertising, and gives DOT rulemaking authority to regulate advertising on street light poles. (Part of CS/HB 757, 2nd ENG.)
- Creates a “bright-line” threshold that indicates when development projects are exempt from developments of regional impact (DRI) review. Any project that is at less than 100 percent of its threshold amount for units, acreage, or other measurement is not a DRI. Any project at 100 percent or higher is a DRI. (Part of CS/HB 757, 2nd ENG. and CS/SB 1906, 1st ENG.)
- Specifies that any business in existence for 4 years, as of January 1, 2005, may be eligible for business damages from the activities of DOT or other government agencies. After that date, businesses must have 5 years’ standing to be eligible. (SB 248 and part of CS/HB 757, 2nd ENG.)
- Adds cotton haulers to the type of over-size commercial vehicles that receive a DOT permit to operate on state highways. Also exempts certain agricultural vehicles from state law requiring use of a tarpaulin. (Part of CS/HB 757, 2nd ENG., and part of CS/HB 1681, 2nd ENG.)
- Creates the Florida Firefighters license plate and the Police Benevolent Association license plate. (Part of CS/HB 757, 2nd ENG.)
- Adds landscape architects to the list of design professionals who must sign and seal applicable DOT projects. (Part of CS/HB 757, 2nd ENG.)
- Specifies that DOT shall give preference, when awarding certain grants, to any county with at least 50,000 population which either levies the full 6 cents of local-option fuel tax on motor and diesel fuels, or which dedicates at least 35 percent of its local-option infrastructure surtax for improvements to the state transportation system or for local projects which are part of the state system. (Substance of HB 383 and CS/SB 676.)
- Allows DOT to match funds received from other states or jurisdictions for Maglev projects in Florida. (Part of CS/HB 757, 2nd ENG.)
- Allows the Miami-Dade County Commission to set terms of office and other conditions for the Miami-Dade County Expressway Authority. (Part of CS/HB 757, 2nd ENG. and HB 1387)
- Allows expressway authorities to acquire less-than-fee interests in lands, and to access private property for certain purposes. (Part of CS/HB 757, 2nd ENG. and HB 1387)
- Allows the Tampa-Hillsborough Expressway Authority (THEA) to use its bond revenues to make improvements to toll-collection facilities, and adds to the list of statutorily approved THEA projects a connector highway linking the Lee Roy Selmon Expressway Authority to Interstate 4. (Part of CS/HB 757, 2nd ENG. and HB 1387)
- Allows expressway authorities to establish escrow accounts for wetlands mitigation projects, identical to what DOT does. (Part of CS/HB 757, 2nd ENG., and HB 1387)
- Allows the Orlando-Orange County Expressway Authority (OOCEA) to sell its own bonds, rather than use the State Division of Bond Finance. OOCEA still would have to comply with constitutional bonding requirements. (Substance of CS/HB 35, 2nd ENG. and CS/CS/SB 1458)
- Modifies the chapter law that designated Crandon Boulevard in Miami-Dade County as a state historic highway, so that the road can be modified or improved to provide access for emergency vehicles. (Part of CS/HB 757, 2nd ENG.)

- Adds Hillsborough County to the list of charter counties that can ask local voters to approve a transit surtax. (HB 675 and SB 1034)
- Specifies that beginning in fiscal year 2007-2008, DOT shall distribute its share of the rental car surcharge to its various district offices, based on the amount collected within the counties in those districts. (Text of HB 1421 and SB 2114)
- Makes numerous technical corrections in DOT statutes.
- Includes the Department of Health's emergency vehicles in the definition of "authorized emergency vehicles" and authorizes them to display flashing red lights when responding to an emergency. (Part of CS/CS/SB 522, 2nd ENG.)
- Permits issuance of a citation for failure to obey a multi-party stop sign in a private community under certain circumstances if the sign conforms to DOT specifications. (Part of CS/HB 1213, 2nd ENG.)
- Creates an exception to the 60-day public records exemption and confidentiality designation for crash reports for local government employees and agents. Those employees or agents exercising the exception must maintain the confidentiality of the reports. (Part of CS/HB 1213, 2nd ENG. and substance of CS/HB 323)
- Exempts solid waste and recovered waste collection vehicles from certain requirements relating to unattended motor vehicles. (Part of CS/HB 1213, 2nd ENG.)
- Authorizes the operation of certain utility vehicles on public roads by a homeowners' association upon designation of the roads for such use by the appropriate level of state or local government. (Part of CS/HB 1213, 2nd ENG.)
- Authorizes the use of a headset in conjunction with communicating with a central base of operations while operating a motor vehicle if the headset covers only one ear and allows surrounding sound to be heard. (Part of CS/HB 1213, 2nd ENG.)
- Amends provisions governing loads on trucks to provide that owners and drivers of a truck hauling a load have duty to prevent inanimate objects from escaping the truck onto the roadway. The load must be covered with a close-fitting tarpaulin or be prevented from escaping by use of other devices or designs specified in federal regulations. A violation of these provisions is a nonmoving violation except in the case of a willful violation resulting in death or serious bodily injury. Such a violation is punishable as a second-degree misdemeanor with a fine of \$100. Repeat violations may be punished by suspension of the driver's license. Certain loads containing agricultural products that are carried locally are not subject to the covered-load requirement. (Part of CS/HB 1213, 2nd ENG.)
- Expands the current authority of county and municipal crash investigation officers to issue citations under Florida Statutes to conform their authority to that of state officers. Prohibits parking enforcement specialists from carrying weapons or from having arrest powers. (Part of CS/HB 1213, 2nd ENG.)
- Authorizes university police officers to enforce traffic laws on any property or facilities of direct-support organizations of the university, or other organization under the control of the university. (Part of CS/HB 1213, 2nd ENG.)
- Provides for doubled fines in properly posted toll collection zones. (Part of CS/HB 1213, 2nd ENG. and HB 1387)
- Deletes the requirement that the underlying contract be included in an application for title based on a contractual default. (Part of CS/HB 1213, 2nd ENG.)
- Provides that it is unlawful to remove any manufacturer or state-installed vehicle identification number (VIN) from a vehicle. (Part of CS/HB 1213, 2nd ENG. and substance of HB 977)

- Permits law enforcement agencies to register vessels under a fictitious name. (Part of CS/HB 1213, 2nd ENG.)
- Includes the term “vessel” in provisions relating to public inspection of registration information. (Part of CS/HB 1213, 2nd ENG.)
- Provides that Florida commercial motor vehicles that are not apportioned have a registration period beginning December 1 and ending November 30 each year. (Part of CS/HB 1213, 2nd ENG.)
- Amends provisions regarding registration validation decals to conform them to the Department of Highway Safety and Motor Vehicles’ (DHSMV) new decal dispenser system. (Part of CS/HB 1213, 2nd ENG.)
- Allows personalized license plates to be reassigned to another individual one year following the expiration of registration. (Part of CS/HB 1213, 2nd ENG.)
- Increases weight restrictions on private-use vehicles for eligibility for certain special license plates to 8,000 pounds. (Part of CS/HB 1213, 2nd ENG.)
- Eliminates the fee required to obtain a 4-year disabled parking permit. (Part of CS/HB 1213, 2nd ENG.)
- Requires that the colors used on Florida Highway Patrol (FHP) vehicles shall be referred to as “Florida Highway Patrol black and tan.” (Part of CS/HB 1213, 2nd ENG.)
- Requires persons accepting the driver’s license as proof of identification to also accept the Florida ID card as proof of identification. (Part of CS/HB 1213, 2nd ENG.)
- Gives courts discretion to order the issuance of a business or employment purposes only driver’s license to certain juveniles who have had a license suspended for certain drug or alcohol violations. (Part of CS/HB 1213, 2nd ENG.)
- Provides that DHSMV, rather than the Department of Environmental Protection, shall adopt rules specifying the locations and the manner in which serial numbers on outboard motors shall be affixed. (Part of CS/SB 478)
- Expands the traffic law and general law enforcement authority of agricultural law enforcement officers. (Part of CS/HB 1213, 2nd ENG., and CS/HB 1681, 2nd ENG.)
- Redefines the term “total loss” to require the owner of a damaged vehicle or mobile home to request that DHSMV brand “Total Loss Vehicle” on the certificate of title if the actual costs of repair exceed 100 percent of the cost of replacing the damaged vehicle or mobile home. This application must be made within 72 hours of the agreement between the owner and the insurance company to repair rather than replace the damaged vehicle or mobile home. This brand on the certificate of title will become a part of the vehicle’s title history. DHSMV is also required to create a title history database for vehicles to be implemented by July 1, 2003. The bill requires the program to provide access to information relating to the year, make, model, mileage, date of sales, and outstanding liens on motor vehicles. This database is required to be made available on the Internet. (Substance of CS/HB 661)

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002, except as otherwise provided.

CS/SB 306, 1st ENG. – Driver's Licenses & ID Cards

By Criminal Justice; Burt

Linked Bills: None

Tied Bills: Similar CS/HB 899, 1st ENG.; Compare CS/CS/HB 223; CS/SB 520, 2nd ENG.

Committee(s)/Council(s) of Reference: Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

The bill makes it a third-degree felony to knowingly sell, manufacture, or deliver, or knowingly to offer to sell, manufacture or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of a driver's license or identification card unless such person has been duly authorized by the Department of Highway Safety and Motor Vehicles.

Any of these violations may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 325, 1st ENG. – Coral Gables/Miami/Le Jeune Road

By Prieguez

Linked Bills: None

Tied Bills: Identical SB 1010, 1st ENG.

Committee(s)/Council(s) of Reference: Transportation; Fiscal Policy & Resources; Council for Ready Infrastructure

The bill designates a portion of Le Jeune Road within the city limits of Coral Gables and Miami as a state historic road. It prohibits the use of state funds to widen or broaden this section of road, or to alter, remove, or replace any existing landscaping, including the decades-old mahogany trees that line the road.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 329 – Small Aircraft Transportation

By Baker & others

Linked Bills: None

Tied Bills: Similar SB 1228

Committee(s)/Council(s) of Reference: Transportation; Transportation & Economic Development Appropriations; Council for Ready Infrastructure

The bill expresses legislative intent supporting federal, academic and aviation industry attempts to develop and implement a NASA "Small Aircraft Transportation System" (SATS) project in Florida. The bill does not authorize or require the state or any of its agencies to take any action regarding the SATS project, nor does it appropriate any state funds for SATS.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 358, 1st ENG. – Motor Vehicle Accidents/Distractions

By Sebesta

Linked Bills: None

Tied Bills: Similar HB 233

Committee(s)/Council(s) of Reference: Transportation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations

This bill expressly preempts to the state the regulation of the use of cellular phones and other electronic communications devices by drivers and passengers of a motor vehicle. In addition, the bill requires the Florida Department of Highway Safety and Motor Vehicles to report data on driver distractions to the Senate President and the Speaker of the House of Representatives for the years 2002 and 2003. The first report to the Legislature is due in February 2003.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 366, 1st ENG. – Traffic Control/Move Over Act

By Transportation; Crist

Linked Bills: None

Tied Bills: Similar CS/CS/HB 221

Committee(s)/Council(s) of Reference: Transportation

Current law requires motorists and pedestrians to yield to an emergency vehicle en route to an emergency when the operator of the emergency vehicle has activated either audible or visible emergency warning devices. Motorists are required to move as close as possible to the nearest curb edge. However, motorists are not required to yield for an emergency vehicle parked at the roadside, even if the vehicle is parked at the shoulder to attend to an emergency or to ticket traffic violators. This bill:

- Requires that when a motorist is traveling on a two-lane road, he or she must slow to a speed that is 20 mph less than the posted speed limit when the posted speed limit is 25 mph or greater; or slow to a speed of 5 mph if the posted speed limit is 20 mph or less;
- Establishes a \$30 fine for violation of the bill's provisions to be paid into the Crimes Compensation Trust Fund administered by the Office of the Attorney General;
- Requires the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign to inform motorists about the new law;
- Includes among the vehicles authorized to operate red lights and sirens in an emergency: fire department, fire patrol, police, ambulances, and other emergency vehicles of municipal and county departments, public service corporations operated by private corporations, the Department of Environmental Protection, the Department of Agriculture, and the Department of Transportation. Such vehicles that operate red lights or sirens must first be designated or authorized by their respective department or the chief of police or sheriff;
- Authorizes a wrecker to use amber lights while performing recoveries and loading on the roadside day or night, and while towing a vehicle, unless the vehicle is hauled on a flatbed, car carrier, or rollback without objects protruding.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 441 – License Plate/Breast Cancer Research**By Cantens & others****Linked Bills:** None**Tied Bills:** Identical SB 722**Committee(s)/Council(s) of Reference:** Transportation; Transportation & Economic Development Appropriations; Council for Ready Infrastructure

The bill creates the Breast Cancer Research license plate. The plate will include a figure on the left side of the plate with a pink ribbon on the chest, and will display a pink banner containing the Florida Breast Cancer Coalition website. The background will be blue and the words “End Breast Cancer” will appear at the top of the plate. The word “Florida” will appear at the bottom of the plate. In addition to the usual specialty license plate fees, a \$25 annual use fee will be charged for this new specialty license plate.

All annual use fees will be distributed by the Department of Highway Safety and Motor Vehicles to the Florida Breast Cancer Coalition Research Foundation to fund a peer reviewed grant process. Grant funding must be made available for various kinds of breast cancer related research and innovative ideas.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

CS/SB 520, 2nd ENG. – Driver’s Licenses/ID Cards**By Transportation; Brown-Waite****Linked Bills:** None**Tied Bills:** Similar CS/CS/HB 223; Compare CS/HB 899, 1st ENG.; CS/SB 306, 1st ENG.**Committee(s)/Council(s) of Reference:** Transportation; Criminal Justice

This bill revises the application for Florida identification cards and driver licenses to include country of birth. The bill authorizes the Department of Highway Safety and Motor Vehicles to incorporate fingerprints and other unique biometric means of identity into the application for identification cards and driver licenses. In addition, the bill limits reciprocity for purposes of establishing proof of identity to those jurisdictions whose proof of identity requirements are at least as stringent as Florida’s requirements.

The bill provides that driver licenses issued to foreign nationals relying on certain United States Department of Justice documents for proof of identity shall expire 4 years from the date of issuance or upon the expiration of the applicable Department of Justice document, whichever occurs first. Licensees subject to this provision may not renew their license except in person and upon submission of the appropriate identification documentation. Non-immigrant foreign nationals submitting certain documents are subject to a shorter period of validity of 2 years or the date cited on the documents, whichever occurs first.

The bill also provides it is unlawful to sell, manufacture, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver’s license or similar document. Violation of this provision would constitute a third-degree felony.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2002.

CS/CS/SB 522, 3rd ENG. – Highway Safety & Motor Vehicles

By Criminal Justice; Transportation; Sebesta

Linked Bills: None

Tied Bills: Compare CS/HB 249; CS/CS/HB 571, 1st ENG.; CS/HB 1213, 2nd ENG.; CS/SB 478; CS/SB 1554, 1st ENG.

Committee(s)/Council(s) of Reference: Transportation; Criminal Justice

This bill addresses a number of highway safety and motor vehicles issues. Many of the provisions in the bill are related to programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill:

- Provides that when a county commission chooses to abandon a road and convey the county's interest in such road to a subdivision, the county's traffic enforcement jurisdiction ceases.
- Creates a standardized process by which a county commission can return roads previously owned by the residents of a subdivision back to the subdivision when the association of owners in that subdivision seeks to establish a gated neighborhood. An association taking over ownership and control of such roads shall have traffic control jurisdiction over the roads unless an agreement stating otherwise has been entered into with the county.
- Authorizes employees and agents of law enforcement, the Department of Transportation, or an expressway authority to remove disabled or crashed vehicles and their debris from the roadway when a crash involves only property damage.
- Clarifies that the penalty for allowing a vehicle load to escape onto the roadway is a nonmoving violation.
- Repeals provisions prohibiting governmental agencies from providing information regarding driver improvement courses, and authorizes DHSMV and the courts to issue a reference guide containing the names and telephone numbers for approved course providers.
- Revises the definition of major component parts to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles.
- Authorizes DHSMV to affix a decal to rebuilt vehicles to identify the vehicle as being rebuilt from parts, and to provide that removal of the decal with the intent to conceal the rebuilt status of the vehicle is a third-degree felony.
- Provides that it is illegal to transfer the title of a motor vehicle unless the purchaser's name appears on the title. Knowing and willful violation of this provision, with the intent to commit fraud, is punishable as a first-degree misdemeanor.
- Requires persons who are self-insured and who own vehicles considered to be salvage to forward title to DHSMV for processing within 72 hours after such a vehicle becomes salvage.
- Provides that laws relating to manufacturer vehicle identification number (VIN) plates also apply to state-assigned VIN plates;
- Provides that motor vehicle and vessel registration and titling fees and charges collected by tax collectors must be transferred to DHSMV within 5 days from the close of the business day in which the county officer received the funds. Applicable funds must be transferred electronically.
- Provides for the suspension and revocation of a motor vehicle dealer license for a single violation of prohibited criminal or fraudulent activities. A pattern of

- wrongdoing must be documented before administrative action can be taken against a motor vehicle dealer for lesser violations.
- Repeals provisions prohibiting governmental entities from providing information on traffic law and substance abuse education course providers. Authorizes DHSMV to approve and regulate courses that use technology as a delivery method.
 - Limits the number of times a certificate of destruction may be reassigned to two before dismantling or destruction of a motor vehicle or mobile home is required. The final destruction or dismantling must occur within 30 days of the second reassignment. Law enforcement and DHSMV may inspect business records of towing businesses.
 - Requires a RV manufacturer to clearly inform the consumer in writing at the time of vehicle acquisition how and where the consumer may file a claim with the Pilot RV Mediation and Arbitration Program.
 - Extends the Pilot RV Mediation and Arbitration Program until September 30, 2006.
 - Allows DHSMV to delegate the screening of claims to the Pilot program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 561 (Chapter Law 2002-6) – Parking Permits/Disabled Persons

By Ball

Linked Bills: None

Tied Bills: Similar SB 350; Compare SB 2332

Committee(s)/Council(s) of Reference: Transportation; Health Regulation; Council for Ready Infrastructure

This bill expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. Current law authorizes an allopathic, osteopathic, chiropractic, or podiatric physician, an optometrist, the Adjudication Office of the United States Department of Veterans Affairs, or a similarly licensed physician from another state (if certain conditions are met) to make certification of disability.

The bill adds an advanced registered nurse practitioner working in a facility operated by the U.S. Department of Veterans Affairs under the protocol of a licensed physician, or a physician assistant licensed under chapters 458 or 459, F.S., who work in a facility operated by the U.S. Department of Veterans Affairs to the class of medical personnel eligible to make this disability determination.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/CS/SB 568 – Motor Vehicle License Plates

By Appropriations; Finance and Taxation; Sebesta

Linked Bills: None

Tied Bills: Compare HB 1479, CS/SB 478; CS/CS/CS/SB 2120; CS/SB 2162

Committee(s)/Council(s) of Reference: Transportation; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations

This bill provides for the issuance of a Pearl Harbor Survivor or Purple Heart license plate to certain disabled veterans without payment of the required license tax. The bill also increases the license tax distribution to the Grants and Donations Trust Fund of the Department of Veterans Affairs from \$50,000 to \$100,000 beginning in fiscal year 2002-03.

The bill changes from January 1, 1997 to October 1, 2002, the date by which any collegiate license plate created or established after, must comply with the requirements of s. 320.08053, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 715, 1st ENG. – Transportation

By Council for Ready Infrastructure; Bense & others

Linked Bills: None

Tied Bills: Compare CS/SB 757, 2nd ENG.; CS/SB 728; CS/SB 1214

Committee(s)/Council(s) of Reference: Transportation; Transportation & Economic Development Appropriations; Council for Ready Infrastructure

The bill creates a process by which local governments provide just compensation to owners of outdoor advertising signs. Local governments that meet certain conditions are exempted from these provisions of the bill.

The bill also creates s. 479.25, F.S., to specify governmental entities may enter into agreements with billboard owners allowing a lawfully erected billboard to be raised when a sound barrier, visibility screen, or other highway improvement blocks the billboard from being seen.

In addition, the bill amends state law to change the concurrency time frames from 3 years to 5 years for projects affecting the Florida Intrastate Highway System. It also amends s. 344.044(5), F.S., to include "scenic roads" among the topics for which the Department of Transportation can purchase promotional materials, and to delegate storm water permitting to a water management district or other entity, provided that the permit is based on requirements, as determined by the agency, that protect transportation facilities being affected by the runoff.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 945 – Jacksonville Seaport Authority

By Lee & others

Linked Bills: None

Tied Bills: None

Committee(s)/Council(s) of Reference: Transportation; Local Government & Veterans Affairs; Council for Ready Infrastructure

The bill amends the Jacksonville Seaport Authority's charter to allow it to seek expansion of the port's foreign trade zone (FTZ) outside of Duval County. The actual decision on FTZ expansion would be made by the U.S. Department of Treasury and U.S. Department of Commerce, after reviewing such issues as community support. However, the Seaport Authority cannot pursue the expansion without changing the charter.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 1136, 2nd ENG. – License Plates/Protect Whales

By Finance and Taxation; Transportation; Pruitt

Linked Bills: None

Tied Bills: Similar CS/HB 1171, 1st ENG.

Committee(s)/Council(s) of Reference: Transportation; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations

This bill directs the Department of Highway Safety and Motor Vehicles to develop and issue a Protect Florida Whales specialty license plate. The bill provides for a \$25 annual use fee to be collected for this license plate. Funds generated through sales of this plate shall be distributed to the Harbor Branch Oceanographic Institution, Inc., and shall be used for whale research, rehabilitation, and education programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 1178 – Disabled Persons/Parking Permits

By Transportation; Wasserman-Schultz

Linked Bills: None

Tied Bills: Compare CS/HB 1525, 1st ENG.

Committee(s)/Council(s) of Reference: Transportation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations

A temporary disabled parking permit is valid for the duration of the physician-certified disability as stated in the application for the permit. However, temporary disabled parking permits are valid for no more than 1 year. The bill shortens the maximum amount of time a temporary disabled parking permit may remain valid from 1 year to 6 months.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 1181 – Safe Paths to School

By Ritter & others

Linked Bills: None

Tied Bills: Identical SB 2076; Compare CS/HB 757, 2nd ENG.; CS/SB 1214

Committee(s)/Council(s) of Reference: Transportation; Transportation & Economic Development Appropriations; Council for Ready Infrastructure

The bill creates within the Department of Transportation (DOT) the “Safe Paths to Schools” Program, s. 335.066, F.S. The new program is designed to coordinate the planning and construction of bicycle and pedestrian pathways that provide safe transportation for children from their neighborhoods to schools, parks, and state greenways and trails. DOT is given the discretion to establish a grant program to fund local, regional, and state bicycle and pedestrian pathway projects that support the program.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

Utilities & Telecommunications Committee

CS/HB 1475 – Underground Facility Damage

By Council for Ready Infrastructure; Hogan

Linked Bills: None

Tied Bills: Similar CS/SB 2084

Committee(s)/Council(s) of Reference: Utilities & Telecommunications; Local Government & Veterans Affairs; Council for Ready Infrastructure

The bill expands free access to the one-call access notification center by permitting notification to the system by means such as e-mail and fax in addition to the toll-free telephone number. Additionally, the bill permits local officers or permitting agency inspectors to enforce the act without incorporating the provisions of the act into local ordinances or codes.

The bill requires excavators to pre-mark the excavation site under certain circumstances and provides for marking by member operators for facilities that are underwater by buoys or other suitable devices. Excavators must also use hand digging and other similar procedures to excavate in a tolerance zone. Markers are valid for 20 days and may be removed after that time.

The bill requires member operators to mark the underground facilities within 2 full business days of the notification to excavate and underwater facilities within 10 business days of the notification. Member operators must use available designating technologies to locate underground facilities. Additionally, if an owner of an underground facility does not become a member of the system, and the failure to become a member causes damage to the facility by an excavator who has complied with the act and used reasonable care, the owner has no right of recovery against the excavator for the damage to the facility.

The bill provides for noncriminal infraction for a member operator who does not mark an underground facility as required by the act; however, it is not an infraction if the facilities are marked incorrectly. Citations for such violations may be issued to employees of excavators and member operators.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

CS/HB 1511, 1st ENG. – Communications Services Tax

By Council for Ready Infrastructure; Ritter & others

Linked Bills: None

Tied Bills: Similar CS/CS/SB 1610, 1st ENG.; Compare HB 1263; HB 1995; CS/SB 2198

Committee(s)/Council(s) of Reference: Utilities & Telecommunications; Fiscal Policy & Resources; Council for Ready Infrastructure

The bill creates a transition rule for counties and municipalities to authorize local governments to reduce the tax rates that take effect on October 1, 2002. Religious and educational institution exemptions for the communications services tax are conformed to similar provisions in the sales tax statute. The bill also clarifies that the use tax on

purchases of communications services from a seller outside of Florida is taxable unless the seller has registered as a dealer in this state.

The bill provides a public lodging establishment may post the information about the communications services tax in the room rather than detailing the tax on the hotel bill for each separate transaction. The E911 fee provisions are conformed to federal law by providing that the tax is levied on each customer whose place of primary use is in this state.

Additionally, the bill repeals the sales tax on substitute communications systems to eliminate dual taxation. The definition of a pass-through provider is clarified, and the bill limits the fee a municipality may charge for use of the rights-of-way to not more than \$500 per linear mile.

The bill requires the Department of Revenue to issue a report to the Governor and the Legislature on the accuracy of the state and local communications services tax rates by February 1, 2003.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1601, 1st ENG – Air Quality Costs/Electric Utilities

By Maygarden & others

Linked Bills: None

Tied Bills: Identical CS/SB 1142

Committee(s)/Council(s) of Reference: Utilities & Telecommunications; Fiscal Responsibility Council

The bill provides that a utility may have its prudently incurred costs or expenses reviewed by the Florida Public Service Commission (PSC) for recovery through the Environmental Cost Recovery Clause. The costs or expenses must be incurred pursuant to an agreement entered into on or after the effective date of this act and prior to October 1, 2002, between the utility and the Florida Department of Environmental Protection (DEP) or the United States Environmental Protection Agency, for the exclusive purpose of ensuring maintenance of compliance with ozone ambient air quality standards.

The bill also provides that the PSC and DEP perform a study defining public policy regarding renewable resources. The results of the study are to be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2003. The bill also provides definitions as used in the new section.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 1683, 1st ENG. – Switched Network Access Rates**By Council for Ready Infrastructure; Utilities & Telecommunications; Maygarden****Linked Bills:** None**Tied Bills:** Similar CS/SB 988**Committee(s)/Council(s) of Reference:** Utilities & Telecommunications; Council for Ready Infrastructure

The bill increases Lifeline service eligibility for low income customers for the local telephone companies and now includes long distance companies for the first time. It requires the local telephone companies and state agencies to actively encourage Lifeline subscribership. The local telephone companies must pay for promoting Lifeline service.

The bill allows a local telephone company to petition the Florida Public Service Commission (PSC) to reduce access charges and adjust basic rates. The PSC is given the authority to approve or reject any petition filed by the local telephone company. The PSC is required to determine whether a petition meets the following criteria:

- Establishes a timetable;
- Benefits residential consumers by eliminating subsidies;
- Moves rates toward parity;
- Creates a more favorable competitive environment;
- Requires revenue neutrality; and
- Provides benefits to toll customers.

If the PSC approves the petition, the local telephone company is authorized to establish a revenue category mechanism to include basic telephone revenues and access rate revenues, and rates may be adjusted to reduce access rates in a revenue neutral manner. Basic service may not be used to entirely offset access rate reductions. The PSC is provided a 90-day period to conduct hearings and take testimony on these petitions.

The bill requires the long distance companies to pass through any reductions in access rates to their customers, both residential and business proportionally, and eliminates any in-state connection fee first. PSC jurisdiction is maintained over adjustments, service quality, and complaint resolution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.
